

UTAH BOARD OF PHARMACY
MINUTES
OCTOBER 24, 2006

CONDUCTING:	Roger Fitzpatrick, Chairman
CONVENED:	9:05 a.m.
ADJOURNED:	4:48 p.m.
MEMBERS PRESENT	Roger Fitzpatrick, Chairman Dr. Mark Munger Shawna Hanson, RPh Betty Yamashita, RPh Edgar Cortes, Technician member Marty Hill, Public member Dominic DeRose, RPh
DIVISION STAFF	Craig Jackson, Division Director Diana Baker, Bureau Manager Penny Vogeler , Board Secretary Connie Call, Probation Coordinator Sandy Hess, DOPL Investigator Jared Memmott, DOPL Investigator
GUEST	Derek Garn, Wal-Mart Beth Young, U of U College of Pharmacy Renee Coffman, University of Southern Nevada Darla Zarley, University of Southern Nevada Larry Fannd, University of Southern Nevada Susanne Hilandr, Wal-mart Kyle Steadman / Marie Steadman Judith Nielsen, Walgreens
PROBATION REPORT	Connie Call discussed the probationers' compliance to their Orders.
ADMINISTRATIVE BUSINESS	DECISIONS/ RECOMMENDATIONS
Approval of September minutes	A motion was made by Dr. Munger and seconded by Mr. Hill to approve the

minutes with corrections. Motion carried.

DISCUSSION ITEMS:

Sandy Hess, DOPL Investigator, discussed an issue she has been made aware of by Mr. Barry Adams of Albertsons concerning the Fentanyl patch. It comes packaged as 12 mcg. Ms. Hess stated that the literature and palm pilot instructions state 12.5mcg. There is concern that the patch may be issued in error for 125 mcg. The Board stated this is an issue with the manufacture. The Board decided to have Dr. Munger contact Mr. Reid Barker of UPhA and have him do a write up for the UPhA News Letter. Barry Adams, pharmacy manager for Albertsons, will also be contacted about the decision.

APPOINTMENTS PROBATION INTERVIEWS: CODY BEAUMONT

Cody Beaumont came before the Board and was interviewed by Ms. Yamashita. Mr. Beaumont stated things are going well and that he is working at Merle West Medical Center in Oregon. Ms. Yamashita informed Mr. Beaumont that the Oregon Board of Pharmacy had sent information to Ms. Baker that his license had received further sanctions for a positive UA, and missing drugs at the medical center where he worked. Mr. Beaumont stated he was not aware of a positive drug screen and not aware of any missing drugs. He stated he did not refuse a drug screen, as stated by the Oregon Board. He also stated he was not aware of losing his job in Oregon. Mr. Fitzpatrick contacted his employer in Oregon by phone during the interview who stated that Cody was present when he signed the termination paper. Mr. Fitzpatrick was in contact with Mr. Mike Poe of the Human Resource department where Mr. Beaumont was employed. He stated Mr. Beaumont was terminated October 16th. He has not worked at the medical center since Oct 6, 2006. He was suspended pending investigation based on the missing narcotics and a positive drug

test. Mr. Beaumont was excused from the meeting. The Board discussed information on the drug screen with Mr. Poe. Mr. Beaumont and Ms. Hess returned to the Board meeting. Mr. Hill addressed the fact that Mr. Beaumont was not being forth coming with the Board. Mr. Hill made a motion for an order to show cause, seconded by Ms. Hanson. Ms. Baker stated that Oregon has not finished their investigation and DOPL could not act on the issue at this time. Dr. Munger spoke to Mr. Beaumont very seriously about getting himself into a drug program now if he has regressed to using controlled substances. Mr. Beaumont stated he has not regressed to using controlled substances and he did not take any meds from anyone. Ms. Hess stated Utah will open a new investigation. Ms. Yamashita ended the interview.

RICH WRIGHT

Mr. Hill conducted the interview with Mr. Wright. He is working at Smith's Pharmacy in Saratoga Springs. He stated he has been sober for two and a half years, and works a recovery program everyday. He is no longer using methadone. His coping mechanisms are his boss, being open and honest, walking when having a bad day, has become spiritual, and has a new attitude. An e-mail from his employer was shared with the Board and was very positive. He asked the Board for early release of his probation. Mr. Hill read a letter from Paige Patterick, Regional Pharmacy Supervisor for Smiths. This was a very positive letter and a great compliment to Mr. Wright. A motion was made by Dr. Munger to release Mr. Wright from drug screens and remove the requirement of direct supervision. Mr. Hill seconded the motion. Motion carried. Ms. Baker will amend his Order. He is **in compliance** with the terms of his Order.

Dr. Munger left the meeting and will return

later this afternoon.

KAMI CREER

Ms. Creer was interviewed by Mr. DeRose. She stated she is occasionally working three thirteen-hour days, but mostly four ten hour days on a regular basis. She is attending LDS twelve steps, CA and PIR. She is now attending three meetings a week. She asked the Board to reduce her amount of meetings. A motion was made by Mr. Hill to cut back to 2 PIR a month and 2 twelve step a month. Seconded by Ms. Hanson. Motion carried. The Board expressed how pleased they are with her progress. Ms. Creer is **in compliance** with the terms of her Order. She will be seen in August for her annual visit.

KASEY KOEVEN

No Show. Mr. Koeven is **out of compliance** with the terms of his Order. A motion was made by Ms. Yamashita to issue an **Order to Show Cause** to revoke his license. Ms. Hanson seconded. Motion carried.

LSJ PHARMACY

Mr. Fitzpatrick conducted the phone interview with Mr. Johnson. He stated he is filling an average of 75 prescriptions a day. He has submitted his policies and procedures, paid his fine, completed 3.75 CE, and his pharmacy technician program has been approved by the Board. Mr. Johnson will be interviewed again in three months. LSJ Pharmacy is **in compliance** with the terms of his Order.

ANDREA LOWERY

Ms. Hanson conducted the interview. Ms. Lowery is not working and has decided to stay at home for now. She is being seen by the Board quarterly. She requested fewer meetings due to her possibly moving. She asked to do no PIR meetings, only 12 step for personal reasons. Ms. Baker discussed the suspension of her license as a possibility. She feels things are unstable in her life and she may possibly need to go

back to work. She would like to keep her license active on probation for now. Mr. Hill made a motion to allow her to substitute 12 steps for PIR meetings. Ms. Yamashita seconded. Motion carried. Ms. Lowery does not seem to want to continue with her Suboxone implant at this time. In compliance.

PAUL LUND

Ms. Hanson conducted the interview. Mr. Lund stated things are going well. He is in compliance. The Board asked him if he feels he is ready to be released from probation. Paul feels he is happy in his current position and would probably not change jobs at this time. The Board thanked him for the way in which he has handled his probation and expressed that it is highly unusual to have a probationer with a 100% compliance record. If Mr. Lund should decide to get his C/S license, the Board would want to monitor him for a while. Ms. Baker will amend his order to allow him to work in a retail setting once he gets his controlled substance dispensing license reinstated.

ORLANDO HILL

Mr. Cortes conducted the interview. Mr. Hill stated he recently married and is happy in his job at the U of U. He had a positive employer report and is **in compliance** with the terms of his Order. Mr. Hill gave the Board his new address.

MICHAEL SANCHEZ

Mr. Sanchez was interviewed by Mr. De Rose. Mr. Sanchez and Mr. DeRose discussed the evaluation report from Dr. Brunson that revealed a much more serious sexual problem than originally believed. He was asked to discuss with the Board what parts of the evaluation he agrees with. He feels that his arrest and sexually acting out were over a year ago and that his evaluation from Dr. Brunson is old news, and he is beyond that now. The professional opinion of the therapist left the

Board concerned about what should be done with his license at this time. Mr. Hill discussed the professionalism of having a license, and discussed the issue of public safety with Mr. Sanchez. He is working at the VA Hospital under contract. The Board agreed to take further action by adding to the stipulation the five recommendations from Dr. Brunson's evaluation. A motion was made by Mr. Hill to also include a monthly therapist report, an employer report (Dean Bishop) direct supervision, as well as a monthly report from the therapist at the Department of Corrections and 10 hours of ethic CE in the next two years. Mr. DeRose seconded the motion. Motion carried. Dr. Munger abstained since he returned to the meeting in the middle of the discussion.

NEW STIPULATION
Cameron Drew Tolley

Ms. Yamashita conducted the interview. Mr. Tolley is here to review his Stipulation and make sure he understands it. Ms. Yamashita went over the admissions of the Stipulation. He has up to one year to pay the fine of two thousand dollars. This is five year probation. He has no Physician or Pharmacy of choice at this time. He will notify the Division when he obtains these. He is not presently working. He will revisit the Board after the therapists evaluation has been completed and can then request lifting of his suspensions. He stated he has a lot of family and a good support system. The Board would like to see an evaluation from his therapist before further identifying regulations regarding suspension of license. The Board would like to see him again next month on November 28, 2006.

Craig Jackson, Division Director and several guests joined the meeting.

DISCUSSION ITEMS
U of U Pharmacy
University of Southern Nevada

All Board members and visitors were introduced to Elizabeth Young, U of U, and Paul Oesterman of the University of

Southern Nevada. They are here to review the requirement for internship in Utah. They presented “Accreditation standards and guidelines for the professional program in Pharmacy leading to the Doctor of Pharmacy Degree.” In Utah currently, a pharmacy student cannot get an intern license until he has completed fifteen semester hours. They proposed that a student may apply for an intern license once they receive a letter of Acceptance from the University, but the student would not be able to use this license until after the first day of school. In considering DOPL’s busiest time for licensing, it was advised that students begin applying for intern licenses in the spring prior to starting in the Pharmacy Program.

The use of the term ‘extern’ was discussed with regard to the Pharmacy Practice Act. The current focus of learning should be on the intern for accreditation purposes. By receiving an intern license at the beginning of a pharmacy program, learning can commence in the pharmacy much sooner, therefore not requiring the term extern. However, each college will have to document the beginning intern duties and increase in complexity as the student progress in the programs.

NEW APPLICATIONS:
MARIE STEADMAN

Marie Steadman and Kyle Steadman came before the Board to discuss her technician license. Mr. Hill conducted the interview. There was a period of time when Ms Steadman practiced as a pharmacy technician without a license. The Board asked why she took so long to complete her schooling. She was only allowed 12 credit hours from Eagle Gate, in Murray and was told by an instructor she could take a year and a half to complete the program. A motion was made by Dr. Munger to issue a license and seconded by Mr. Fitzpatrick. Motion carried. The Board was concerned

about the misinformation given by the school. Ms. Baker will contact them on this matter.

ASJAD KALEEN

Mr. Kaleen came before Board to request an extension on his intern license. Dr. Munger reviewed his application. He is short about 300 hours. He applied for an internship at the University of Utah. The project did not finish by October. He started with Walgreens in March. He stated he would be able to complete by the end of the year. A motion was made by Dr. Munger and seconded by Mr. Hill to extend the date on his intern license to Jan 31, 2007.

BOARD BUSINESS:

LETTER OF CONCERN TO WAL-MART

Richard Lowe, RPh at Wal-mart, came before the Board to discuss a letter of concern sent by the Division in September. Susan Ireland and Derrick Garn, Wal-Mart Pharmacy District Manager, accompanied him. The matter involved a mis-filled prescriptions and controlled substance shortages. The Board's concern was that the incidents were not addressed by an internal incident report. Mr. Lowe stated he was unaware that these quantities need to be reported internally. Ms. Ireland discussed the shortage of controlled substances. She stated this matter was investigated and also worked with the DEA on these shortages. There was surveillance within the store. Since this occurrence, Wal-mart has made corrections to see this does not happen again. Mr. Fitzpatrick made a suggestion to do random counts throughout the day. Mr. Garn stated the incident report is a trigger to perhaps place a camera in the pharmacies with problems.

WALGREENS

Chris Scalzitti, Pharmacy Supervisor, for Walgreen's and Judy Nielson, District Pharmacy Training Coordinator, came before the Board to discuss the Board's issue in regards to pharmacy technician

problems. Jared Memmott, DOPL investigator, discussed his input in regards to pharmacy technicians working at Walgreens. He has issued several citations in several Walgreen's stores within a very short time. Some technicians being trained in Walgreen's have reported to the Board that there is not enough supervision while being trained. It is his assumption that the technicians are not aware of who the Pharmacist in Charge are. The Board is aware of multiple problems with Walgreen's over a short period of time. The Board's concerns are how the pharmacy technician program is being implemented within various stores, and who is overseeing the practical experiences in various stores. Mr. Scalizitti was concerned about investigators calling the pharmacies with questions. Mr. Memmott stated that a visit is always better but there are times when he needs to clarify if someone is working, and he will call the pharmacy. Mr. Jackson, Division Director, reminded Mr. Scalizitti that DOPL does have a limited amount of investigators and he feels a phone call to the pharmacy on occasion may be warranted. The hiring process within individual stores has proven problematic. Several Walgreen's technician's have called to ask how to get a license and have told DOPL staff that they are fill-ins from other states that are here for staffing purposes. Any technician coming from another state must be licensed in this state before beginning work. Walgreen's has determined that all hiring will be done through Ms. Nielsen only. Therefore, Judy Nielsen will be aware of all employees and their status.

A motion was made by Dr. Munger to have Walgreen's program reviewed again by the Board, so they can see what checks and balances are in place. In November the Board would like to have a roster from

Walgreen's stating the status of all pharmacy technicians in all 27 Walgreen's stores. Where are they in the program? Where are they within their hours of training, and clinical? Ms. Yamashita seconded the motion. Motion carried. The Board made an offer to have a member of the Board meet with the pharmacists for discussion on the training process. Mr. Scalzitti said he may consider this at a later date. The Board will invite Mr. Scalzitti and Ms. Nielsen to the November Board meeting.

EXCEPT PROGRAM

Mr. Ken Schafermeyer representative for the ExCpt program. Ms. Baker discussed the fact that the Division has given the approval to come before the Board to vote for use of the ExCpt. The Board discussed the necessity of new questions being added in the pool on a regular basis. The Board asked if there had been any major issues from previous states currently using ExCpt. Mr. Schafermeyer commented there were no major issues at this time. A motion was made by Mr. Hill and seconded by Ms. Yamashita to except the ExCpt program. Motion carried.

HARMON'S PHARMACY

A memo from Greg Jones, Director of Pharmacy for Harmon's, was discussed with the Board in regards to a statement made by Mr. Timothy Bowcutt R.Ph in last month's meeting. Mr. Bowcutt stated that the Ogden store did about 300 scripts per day with only himself and one pharmacy technician and no clerk. Mr. Jones indicated that the statement was in no way representative of the truth. His memo reflected exact figures for the last 8 weeks in the pharmacy where Mr. Bowcutt was employed.

Workload Balancing

The Utilization of central processing (workload balancing) technology was

discussed. Dr. Munger told Wal-Mart to continue with their central processing and rules will be established in the future.

Technician Programs

Professional Park Pharmacy (approved)
Bulloch Drug (not approved)
Medical Center Pharmacy (taken by Edgar)

DIANE MILLIKAN

The Board discussed Diann Millikan and a motion was made by Mr. DeRose and seconded by Ms. Yamashita to issue Ms. Millikan's controlled substance license with direct supervision, supervisor reports and quarterly controlled substance inventory.

Next Scheduled Meeting

November 28, 2006

Roger Fitzpatrick, Board Chairman

Date

Diana Baker, Bureau Manager

Date